



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Ecology AO# 13-03

Permanent Rule Only

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose:

The purpose of this rule making is to:

Adopt a new rule, Chapter 173-485 WAC Petroleum Refinery Greenhouse Gas Emission Requirements. This rule establishes reasonably available control technology (RACT) to limit greenhouse gas (GHG) emissions from petroleum refineries in Washington State.

Citation of existing rules affected by this order:

Repealed:

Amended:

Suspended:

Statutory authority for adoption: Chapter 70.94 RCW provides statutory authority to adopt rule changes.

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-01-115 on 12/18/13.

Describe any changes other than editing from proposed to adopted version:

See Attachment A.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Date adopted: 5/28/2014

NAME (TYPE OR PRINT)

Maia D. Bellon

SIGNATURE

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 28, 2014

TIME: 3:59 PM

WSR 14-12-038

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | _____ | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|----------|---------|-------|----------|-------|
| New | <u>9</u> | Amended | _____ | Repealed | _____ |
|-----|----------|---------|-------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | _____ | Repealed | _____ |

Attachment A – Describe any changes other than editing from proposed to adopted version:

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the *Washington State Register* and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are some differences between the proposed rule filed on December 18, 2013 and the adopted rule. Ecology made these changes for all or some of the following reasons:

- In response to comments we received.
- To ensure clarity and consistency.
- To meet the intent of the authorizing statute.

The following content describes the changes and Ecology's reasons for making them:

| Section | Change(s) | Purpose/Effect |
|------------|---|--|
| 010 | No change | |
| 020 (2) | Rephrased first part of (2) and changed "adopted as they exist" to "to the version in effect" | Improve usability for reader and clarification. |
| 030 | Changed CO _{2e} to CO ₂ e throughout section | Formatting consistency |
| 030 | Made minor changes to definition for "Baseline greenhouse gas emissions" | Combined definition of "Baseline greenhouse gas emissions" and "Typical refinery operation", simplifying the definition and eliminating a definition used only once. |
| 030 | Deleted definition for "Typical refinery operation" | Not needed because of revision to "Baseline greenhouse gas emissions" |
| 040 | Changed CO _{2e} to CO ₂ e | Formatting consistency |
| 050 (1)(c) | Changed "was" to "were" | Corrected grammar |
| 060 (1)(b) | Changed CO _{2e} to CO ₂ e | Formatting consistency |
| 060(2)(c) | Added words "for credit" into second sentence. | Clarification of intent |
| 060 (3) | Added words "at the refinery" | Clarifies that the electrical equipment upgrade is at the refinery and not some distant power plant. This is consistent with original intent. |
| 060 (5) | Changed "occurred" to "completed" | Clarification that the reduction projects must have been completed after 2010 for GHG reductions to count. |
| 070 (1) | Added clarifying language to first part of sentence | Improve usability for reader |
| 080 (1) | Added clarifying language to first sentence | Clarifies what submittal information is required to be retained in recordkeeping. |
| 090 | No changes. | |